IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION NO : 5591 of 2002

Between:

New Malakpet Residents Welfare Association, Regd.No. 265 of 2002 "Nagina" H.No. 16-2-141/A/E, New Malakpet, Hyderabad, Rep. by its President Nasir S. Qureshi, S/o. Wajid Hussain
Qureshi, Aged 46 years, Architect R/o. New Malakpet, Hyderabad.

..... PETITIONER

AND

1. The City Police Commissioner Hyderabad City, Basheerbagh, Hyderabad.
2. The Regional Director of Pollution and Control Board Nampally, Hyderabad.
3. The Member Secretary, A.P. Pollution and Control Board Maithrivanam, Sanjeevareddy Nagar, Hyderabad.
4. The Commissioner Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
5. Mr Ali Hyder Irfan S/o. M. Hyderkhan
No. 16-2-141, New Malakpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS directing the Respondents 1, to 3 to take appropriate action in terms of G.O.Rt.No. 227 Environment, Forests, Science and Technology (ENV) Department dt. 11.7.2002 against the Respondents No.5 for violation of terms of said G.O.Rt.No. 227 by running function and marriage hall in residential premises No. 16-2-141, New Malakpet, Hyderabad causing noise pollution and parking nuisance and

consequently pleased to direct the Respondent no.4 not to grant any permission or licence/renewal of licence to the Respondent no.5 for running function and marriage hall in the residential premises No. 16-2-141,New Malakpet, Hyderabad.

Counsel for the Petitioner: Mr.VIJAY KUMAR HEROOR

Counsel for the Respondent No.1: None present.

Counsel for the Respondent Nos.2&3: Mr.S.V.Bhatt

Counsel for the Respondent No.4: Ms.Jyothi Kiran

(Not present)

Counsel for the Respondent No.5: Mr.Vilas Afzal Purkar

The Court made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

New Malakpet Residents Welfare Association filed this Petition complaining inaction on the part of respondents 1 to 3 to take appropriate action in terms of G.O.Rt.No.227, Environment, Forests, Science and Technology (ENV) Department, dated: 11.7.2002 against Respondent No.5 alleging that Respondent No.5 is running function and marriage hall in the residential premises, thereby, causing noise pollution and parking nuisance, and, thus, direction is sought against Respondent No.4 not to grant/renew any permission or licence to Respondent No.5 for running of the function hall.

Affidavits in reply have been filed by Respondents 3 and 5. Respondent No.5 has opposed the Writ Petition on the ground that the action is mala fide only to cause harm to him, inasmuch as there is no violation by him. Respondent No.5 states that adequate undertakings are obtained from the licencees not to violate any provisions of the law and not to cause noise pollution or parking nuisance.

Respondent No.5 says that the sole purpose of the petitioner-association is to target Respondent No.5 only. Though there are about 20 other function halls within a radius of one kilometer of the Officers Mess, with a mala fide intention, petitioner has picked-up only Respondent No.5.

Respondent No.5 also states that adequate precautions have been taken by him to ensure that no violation is made. He states that function hall is within the parameters laid down by the law. Respondent No.5 states that the appropriate authority under the aforementioned G.O. is the Commissioner of Police, first respondent herein, to implement ambient air quality standards and rules in respect of noise in the Municipal Corporation areas. In addition to complaining about the noise pollution, there is also complaint of parking problem. Both the aspects have to be looked into by the Commissioner of Police to ensure due compliance of the provisions of law, and, in case, anybody offends the law, he shall take appropriate action against the offender.

Therefore, we dispose of the Writ Petition with direction to the first respondent, Commissioner of Police, Hyderabad, to treat this writ petition as representation of the petitioner-association and ensure due compliance of the provisions of law not only against Respondent No.5, in case, there is any violation committed by Respondent No.5, but also to monitor the other function halls situated in the locality and treat each one of them equally without any discrimination, within a period of three months from the date of the receipt of a copy of this order. The

Commissioner of Police shall follow the guidelines laid down in G.O.Rt.No.227, dated 11.7.2000. No costs.

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DEVINDER GUPTA, C.J.

12.08.2004.

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C.V.RAMULU, J.

VR.

To

1. The City Police Commissioner Hyderabad City, Basheerbagh, Hyderabad.
2. The Regional Director of Pollution and Control Board Nampally, Hyderabad.
3. The Member Secretary, A.P. Pollution and Control Board Maithrivanam, Sanjeevareddy Nagar, Hyderabad.
4. The Commissioner Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.

5. Two CD copies.